

RECEIVED
CENTRAL FAX CENTER

FEB 28 2006

Facsimile



HESKA

*The Science of Caring
for Companion Animals*

3760 Rocky Mountain Ave.
Loveland, CO 80538
Telephone: (970) 493-7272
Facsimile: (970) 619-3011

Date: February 28, 2006

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

Name: Examiner Ali R. Salimi, Group Art Unit 1648

Facsimile Number: 571-273-8300

Telephone Number: 571-272-0909

Pages: 5 (including this cover page)

Subject: Attorney File No. EQ-1-C2-2

U.S. Patent Application Serial No. 10/734,373

From: Theresa A. Brown, Esq. (970-493-7272 - Fxt 4154)

**Please find attached a
Response to Notice of Non-Compliant Amendment.**

CONFIDENTIALITY NOTICE

The documents accompanying this FACSIMILE transmission may contain confidential information which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, or the person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in this transmission is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone and mail the original transmission to us. Thank you.

ATTN: MAIL STOP AMENDMENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

In Re the Application of:

Dowling, Patricia W.
Youngner, Julius S.

Serial No.: 10/734,373

Filed: December 12, 2003

Atty. File No.: EQ-1-C2-2

For: "COLD ADAPTED EQUINE
INFLUENZA VIRUSES"

) Group Art Unit: 1648
)
) Examiner: Salimi, Ali Reza
)
) PTO Customer No.: 26949
)

FEB 28 2006

RESPONSE TO NOTICE OF
NON-COMPLIANT AMENDMENT

CERTIFICATE OF FACSIMILE TRANSMISSION I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO EXAMINER A. R. SALIMI, FAX NO. 571-273-8100, ADDRESSED TO MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, THIS 28TH DAY OF FEBRUARY 2006. By: <u>Susan A. Gordon</u> Susan A. Gordon	
--	--

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Non-Compliant Amendment mailed from the U.S. Patent and Trademark Office on February 15, 2006, Applicants submit herewith the corrected section of the non-compliant amendment filed on February 8, 2006. Since this response is to correct a non-final amendment, Applicants believe the due date for filing this response is thirty (30) days from the mailing date of the Notice, i.e., March 17, 2006. Applicants accordingly submit this response is timely filed.